Question referred

Has the origin of goods not been established in the case where a partial movement certificate for the goods was issued under Article 20 of Protocol 4 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, as amended by Decision No 1/2006 of the EU-Egypt Association Council of 17 February 2006, ([1]) although the requirements of that provision were not fulfilled because the goods were not under the control of the issuing customs authorities at the point in time at which the partial movement certificate was issued.

([1]) OJ 2006 L 73, p. 1.

Request for a preliminary ruling from the Cour administrative d'appel de Paris (France) lodged on 10 December 2012 — Reggiani SpA Illuminazione v Ministre de l'Économie et des Finances

(Case C-618/12)

(2013/C 101/19)

Language of the case: French

Referring court

Cour administrative d'appel de Paris

Parties to the main proceedings

Applicant: Reggiani SpA Illuminazione

Defendant: Ministre de l'Économie et des Finances

Question referred

Does Article 2 of [the] Directive [79/1072/EEC of 6 December 1979] ([1]) infringe freedom of establishment in that it limits entitlement to a refund to just moveable property?

([1]) Eighth Council Directive 79/1072/EEC of 6 December 1979 on the harmonisation of the laws of the Member States relating to turnover taxes — Arrangements for the refund of value added tax to taxable persons not established in the territory of the country (OJ 1979 L 331, p. 11).

Request for a preliminary ruling from the Bundesfinanzhof (Germany) lodged on 2 January 2013 — Agentur für Arbeit Krefeld — Familienkasse v Susanne Fassbender-Firman

(Case C-4/13)

(2013/C 101/20)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Appellant: Agentur für Arbeit Krefeld — Familienkasse

Respondent: Susanne Fassbender-Firman

Questions referred

1. Should Article 76(2) of Regulation No 1408/71 ([1]) be interpreted to the effect that the competent institution of the Member State of employment enjoys discretion in applying Article 76(1) of Regulation No 1408/71 if an application for benefits is not made in the Member State of residence of the members of the family?

2. If the first question is answered in the affirmative: on the basis of which discretionary considerations may the institution competent for family benefits in the Member State of employment apply Article 76(1) of Regulation No 1408/71 as if benefits had been granted in the Member State of residence of the members of the family?

3. If the first question is answered in the affirmative: To what extent is the discretionary decision by the competent institution subject to judicial review?

([1]) Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community, OJ 1971 L 149, p. 2; Council Regulation (EC) No 118/97 of 2 December 1996 amending and updating Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71, OJ 1997 L 28, p. 1.

Appeal brought on 18 January 2013 by Gabi Thesing, Bloomberg Finance LP against the judgment of the General Court (Seventh Chamber) delivered on 29 November 2012 in Case T-590/10: Gabi Thesing, Bloomberg Finance LP v European Central Bank

(Case C-28/13 P)

(2013/C 101/21)

Language of the case: English

Parties

Appellants: Gabi Thesing, Bloomberg Finance LP (represented by: M Stephens, R Lands, Solicitors)

Other party to the proceedings: European Central Bank

Form of order sought

The Appellants claim that the Court should:

— quash the decision of the General Court dated 29 November 2012 in case number T-590/10. It should do so on the basis that the General Court erred in law in reaching that decision.

— annul the decision of the European Central Bank ('ECB') communicated by letters dated 17 September 2010 and 21 October 2010, refusing to grant access to the documents requested by the Appellants pursuant to the Decision of the ECB of 4 March 2004 (ECB/2004/3) on public access to ECB documents [1]. The Court should annul that decision on the basis that:

i) the ECB made a manifest error of assessment and/or abused its powers in reaching that decision; and

ii) the only lawful course was for the ECB to permit access to those documents, as requested.

— quash the decision of the General Court insofar as it required the Appellants to pay the ECB's costs. It should do so on the basis that the General Court erred in law in reaching that decision.

— alternatively, remit the case to the General Court for determination in accordance with the Court's ruling on the points of law raised in this appeal.

Pleas in law and main arguments

The Appellants submit that the General Court erred in law:-

— in misconstruing Article 4.1 (a) of the decision of the European Central Bank, dated 4 March 2004 (ECB/2004/3), which provides for an exception to the general right of access conferred by Article 2 of that decision;

— in holding that the ECB was entitled to conclude that disclosure of the documents requested by the Appellants would have undermined the economic policy of the EU and Greece;

— in misconstruing Article 10 of the European Convention on Human Rights;

— in failing to consider the Appellants' contentions in relation to Article 4.2 and 4.3 of the decision of the ECB;

— the Appellants also submit that the General Court erred in relation to costs.

[1] OJ L 80, p. 42

Appeal brought on 24 January 2013 by Nexans France SAS, Nexans SA against the judgment of the General Court (Eighth Chamber) delivered on 14 November 2012 in Case T-135/09: Nexans France SAS, Nexans SA v European Commission

(Case C-37/13 P)

(2013/C 101/22)

Language of the case: English

Parties

Appellants: Nexans France SAS, Nexans SA (represented by: M. Powell, Solicitor, J.-P. Tran-Thiet, Avocat, G. Forwood, Barrister, A. Rogers, Advocate)

Other party to the proceedings: European Commission

Form of order sought

The appellants claim that the Court should:

— set aside the Contested Judgment insofar as it dismissed the second branch of the applicant's first plea that the geographical scope of the dawn raid decision was overly broad and insufficiently precise;

— on the basis of the information at its disposal, annul the Dawn Raid Decision in so far as its geographic scope was overly broad, insufficiently justified and insufficiently precise, or alternatively, refer the case back to the General Court for determination in accordance with the judgment of the Court of Justice as to points of law;

— set aside the judgment under appeal insofar as it orders Nexans to bear its own costs and to pay half of the costs incurred by the Commission in the proceedings before the General Court and order the Commission to pay Nexans' costs for the proceedings before the General Court in an amount the Court sees fit,

— order the Commission to pay all of Nexans' costs in these proceedings.

Pleas in law and main arguments

The appellants submit that the General Court erred in dismissing their application for the annulment of the Dawn Raid Decision insofar as it was insufficiently precise, overly broad in its geographic scope and applied to any suspected agreements and/or concerted practices that 'probably had a global reach'. The appellants also submit that the General Court erred in its order as to costs.